

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Muhammad Aqib
Case No. D2025-3779

1. The Parties

The Complainant is Philip Morris Products S.A., Switzerland, represented by D.M. Kisch Inc., South Africa.

The Respondent is Muhammad Aqib, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <heetsiqosuae.store> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2025. On September 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Private Registration) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 23, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 17, 2025.

The Center appointed Syed Naqiz Shahabuddin as the sole panelist in this matter on October 30, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The following summary sets out the uncontested factual submission made by the Complainant:

4.1 The Complainant is a company which is part of the group of companies affiliated to Philip Morris International Inc. ("PMI"). PMI is a leading international tobacco and smoke-free products company, with products sold in approximately 180 countries.

4.2 PMI is known for innovating across its brand portfolio. In the course of transforming its business from combustible cigarettes to Reduced Risk Products (or "RRPs", which PMI defines as products that present, are likely to present, or have the potential to present less risk of harm to smokers who switch to those products versus continued smoking), PMI has developed a number of RRP products. One of these RRP products developed and sold by PMI is a tobacco heating system called IQOS. IQOS is a precisely controlled heating device into which specially designed tobacco sticks under the brand names "HEETS", "HeatSticks", "DELIA", "LEVIA" or "TEREA" are inserted and heated to generate a flavourful nicotine-containing aerosol (collectively referred to as the "IQOS System").

4.3 There are 6 versions of the IQOS heating device currently available: the IQOS 2.4/IQOS 2.4+ pocket charger and holder, IQOS 3 pocket charger and holder, IQOS 3 Multi device, IQOS 3 DUO/DUOS, IQOS ILUMA and IQOS ILUMA i. The IQOS System was first launched by PMI in Nagoya, Japan in 2014 and has obtained 20% share of the market in Japan. Today the IQOS System is available in key cities in around 84 markets across the world. As a result of an investment of over USD12.5 billion into the science and research of developing smoke-free products and extensive international sales, the IQOS System has achieved considerable international success and reputation, and approximately 33 million relevant consumers. To date, the IQOS System has been almost exclusively distributed through PMI's official IQOS stores and websites and selected authorized distributors and retailers.

4.4 The Complainant owns a large portfolio of trademarks. The following table includes a sample of registrations of the "HEET" and "IQOS" trademarks (the "Trademarks") by the Complainant in selected jurisdictions:

Jurisdiction	Mark	Registration Number	Date of Registration	Classification of Goods / Services
International Registration	HEETS	1326410	July 19, 2016	9, 11, 34
United Arab Emirates	HEETS	256864	December 25, 2017	34
International Registration	IQOS	1218246	July 10, 2014	9, 11, 34
United Arab Emirates	IQOS	211139	March 16, 2016	34

4.5 The Respondent, as of September 16, 2025, according to the Whois information appears to be a private registration and the identity of the real owner and operator of the domain name is concealed and cannot be revealed to third parties, such as the Complainant.

4.6 The disputed domain name is linked to an online shop at “www.heetsiqosuae.store” (referred to as the “Website”). The Website is provided in English and indicates all prices in AED (United Arab Emirates Dirham) currency.

4.7 The Website uses the Trademarks at the top of the Website and promotes a social media account which includes the Trademarks. Additionally, the Website uses the Complainant’s official IQOS store get-up and several product images and allegedly sells and offers the Complainant’s IQOS System, as well as competing third party products of other commercial origin. There is also a remark which states as follows, “Our expert team, through an integrated delivery system, ensures to deliver your desired products right to your doorstep anywhere in UAE and Dubai within 2 to 3 days”. The Website does not, however, provide any other details regarding the provider of the Website, which is only identified as “IQOS HEETS DUBAI”.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends, inter alia, as follows:

5.1 The Complainant asserts that the Trademarks are distinctive, are well-known trademarks that are used globally and that the disputed domain name is identical or confusingly similar to the Trademarks for the following reasons:

(a) the disputed domain name adopts the Trademarks in its entirety coupled with the descriptive geographical abbreviation “UAE” (referencing the United Arab Emirates). The addition of the “.store” generic Top-Level Domain (“gTLD”) and the descriptive geographical abbreviation are insufficient to distinguish the disputed domain name from the Trademarks and to defeat the test of confusing similarity.

(b) the use of the Trademarks in the disputed domain name and the use of the Complainant’s product images on the Website would cause Internet users to be confused as to whether an association exists between the Website (to which the disputed domain name resolves) and the Complainant.

5.2 The Complainant further contends that the Respondent does not have any rights or legitimate interests to the disputed domain name because:

(a) the Complainant has not licensed or permitted the Respondent to use the Trademarks or to incorporate them into any domain name.

(b) the Respondent is not using the disputed domain name for a noncommercial or fair use, without intent for commercial gain, but to misleadingly divert consumers or to tarnish the Trademarks. In this regard, the Respondent is not only offering the Complainant’s products but also competing tobacco products and accessories of other commercial origin.

(c) the Respondent is attempting to suggest a non-existent affiliation with the Complainant by not only using the Trademarks as part of the disputed domain name but also by presenting the Trademarks at the top of the Website and by using the Complainant’s official product images. This serves to perpetuate a false association between the Complainant and the Respondent.

5.3 The Complainant further contends that the Respondent registered and uses the disputed domain name in bad faith and relies on the following:

- (a) the Respondent knew that the Trademarks belonged to the Complainant when it registered the disputed domain name as the Complainant started offering the sale of the IQOS System immediately after registering the disputed domain name.
- (b) the terms “HEETS” and “IQOS” are purely imaginative and unique to the Complainant. It is, therefore, not coincidental that the Respondent chose the Trademarks without the intention of invoking a misleading association with the Complainant.
- (c) the Respondent intentionally attempted to attract for commercial gain Internet users to the Website by creating a likelihood of confusion with the Trademarks as to the source, sponsorship, affiliation or endorsement of the Website.
- (d) the act of offering for sale competing products of other commercial origin is an abusive use of the Trademarks and amounts to trademark infringement.
- (e) the Respondent uses a privacy protection service to hide its true identity.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In order to succeed in its Complaint, the Complainant is required to establish the following elements set out under paragraph 4(a) of the Policy:

- (a) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (b) that the Respondent has no rights or legitimate interest in respect of the disputed domain name; and
- (c) that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Trademarks and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel is satisfied with the evidence adduced by the Complainant of various international registrations of the Trademarks as well as marketing and business activities and initiatives over the course of many years to build the reputation and goodwill of the Trademarks at an international level.

The Panel finds that the entirety of the Trademarks are recognizable within the disputed domain name. Although the addition of other characters here, “uae” may bear on assessment of the second and third elements, the Panel finds that the addition of such terms prevents a finding of confusing similarity between the disputed domain name and the Trademarks for the purposes of the Policy. [WIPO Overview 3.0](#),

section 1.8. The gTLD “.store” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the Trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The Complainant has clearly stated that it has not authorized the Respondent in any way to use the Trademarks or to register the disputed domain name. The Complainant has also denied any affiliation or association with the Respondent.

The additional terms or characters in the disputed domain name when used in conjunction with the Trademarks creates a risk affiliation with the Complainant.

Also noting the findings under the third prong of the Policy, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Past panels often cite paragraph 4(b)(iv) as one of the circumstances to substantiate evidence of bad faith registration and use. Paragraph 4(b)(iv) of the Policy provides that where a respondent intentionally attempts to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the respondent’s website or location, then this would justify a finding of bad faith.

It is very common for third parties to attempt to ride and usurp the goodwill of established brands by “sailing close to the wind”. This appears to be such a case. The Panel notes the extent and effort made by the Complainant to establish its global presence and market for RRP’s and the IQOS System which uses the Trademarks. These include physical and online reach internationally and an extensive trademark registration portfolio. The Panel, therefore, considered the following factors in considering whether the Respondent had registered and used the disputed domain name in bad faith:

- (a) the date of registration of the disputed domain name which was well after the Trademarks were registered and had acquired distinctiveness and global appeal;
- (b) the inclusion of the Trademarks in its entirety in the disputed domain name;
- (c) the manner in which the Respondent uses the disputed domain name by resolving it to the Website which reproduces the Complainant’s official product images, Trademarks as well as products of other commercial origin that compete with the Complainant’s products.
- (d) the targeted attempt by the Respondent to commercially make available tobacco-based products or RRP’s (including both the Complainant’s products and other third-party products) in the United Arab Emirates through the use of the Trademarks and the geographical abbreviation “UAE” as part of the disputed domain name.

Having reviewed the record, therefore, the Panel finds the Respondent’s registration and use of the disputed domain names constitute bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <heetsiqosuae.store> be transferred to the Complainant.

/Syed Naqiz Shahabuddin/

Syed Naqiz Shahabuddin

Sole Panelist

Date: November 13, 2025